

AMENDMENTS TO LB 729

1 1. Strike the original sections and insert the following
2 new sections:

3 "Section 1. (1) The governing body of any city of the
4 first class or city of the second class may, by majority vote of
5 its members, request that the county board formally cede and
6 transfer to the city extraterritorial jurisdiction over land
7 outside the area extending two miles from the corporate boundaries
8 of a city of the first class and one mile from the corporate
9 boundaries of a city of the second class. In making its request,
10 the city shall describe the territory over which jurisdiction is
11 being sought by metes and bounds or by reference to an official
12 map.

13 (2) The county board may, by majority vote of its
14 members, grant the request with regard to some or all of the
15 requested territory if:

16 (a) The county has formally adopted a comprehensive
17 development plan and zoning resolution pursuant to section 23-114
18 not less than two years immediately preceding the date of the
19 city's request;

20 (b) The city, on the date of the request, is exercising
21 extraterritorial jurisdiction over territory within the boundaries
22 of the county;

23 (c) The requested territory is within the projected
24 growth pattern of the city and would be within the city's

1 extraterritorial jurisdiction by reason of annexation within a
2 reasonable period of years;

3 (d) Not more than a total of twenty-five percent of the
4 territory of the county located outside the corporate boundaries of
5 any city within the county shall be ceded to the jurisdiction of
6 one city within ten years after the date upon which the initial
7 request for the cession of territory to the city was approved by
8 the governing body of the city; and

9 (e) No portion of the territory ceded to the city's
10 jurisdiction by the county shall lie within an area extending
11 one-half mile from the extraterritorial jurisdiction of any other
12 city of the first or second class or village on the date the
13 request is approved by the governing body of the city.

14 (3) If the county board approves the cession and transfer
15 of extraterritorial jurisdiction to a city pursuant to this
16 section, such transfer shall take effect on the effective date of
17 the ordinance as provided for in subsection (1) of section 16-902
18 in the case of a city of the first class or as provided for in
19 subsection (1) of section 17-1002 in the case of a city of the
20 second class. Upon the effective date of such transfer, the
21 transferred jurisdiction shall be treated for all purposes as if
22 such land were located within two miles of the corporate boundaries
23 of a city of the first class or within one mile of the corporate
24 boundaries of a city of the second class.

25 Sec. 2. Section 16-901, Reissue Revised Statutes of
26 Nebraska, is amended to read:

27 16-901. ~~Any~~ Except as provided in section 1 of this act,

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1 any city of the first class may apply by ordinance any existing or
2 future zoning regulations, property use regulations, building
3 ordinances, electrical ordinances, plumbing ordinances, and
4 ordinances authorized by section 16-240 to the unincorporated area
5 two miles beyond and adjacent to its corporate boundaries with the
6 same force and effect as if such outlying area were within the
7 corporate limits of such city, except that no such ordinance shall
8 be extended or applied so as to prohibit, prevent, or interfere
9 with the conduct of existing farming, livestock operations,
10 businesses, or industry. For purposes of sections 70-1001 to
11 70-1020, the zoning area of a city of the first class shall be one
12 mile beyond and adjacent to the corporate area. The fact that such
13 unincorporated area is located in a different county or counties
14 than some or all portions of the municipality shall not be
15 construed as affecting the powers of the city to apply such
16 ordinances.

17 Sec. 3. Section 16-902, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 16-902. (1) A Except as provided in section 1 of this
20 act, a city of the first class may designate by ordinance the
21 portion of the territory located within two miles of the corporate
22 limits of the city and outside of any other organized city or
23 village within which the designating city will exercise the powers
24 and duties granted by sections 16-902 to 16-904.

25 (2) No owner of any real property located within the area
26 designated by a city pursuant to subsection (1) of this section or
27 section 1 of this act may subdivide, plat, or lay out such real

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1 property in building lots, streets, or other portions of the same
2 intended to be dedicated for public use or for the use of the
3 purchasers or owners of lots fronting thereon or adjacent thereto
4 without first having obtained the approval of the city council of
5 such city or its agent designated pursuant to section 19-916. The
6 fact that such real property is located in a different county or
7 counties than some or all portions of the city shall not be
8 construed as affecting the necessity of obtaining the approval of
9 the city council of such city or its designated agent.

10 (3) In counties that (a) have adopted a comprehensive
11 development plan which meets the requirements of section 23-114.02
12 and (b) are enforcing subdivision regulations, the county planning
13 commission shall be provided with all available materials on any
14 proposed subdivision plat, contemplating public streets or
15 improvements, which is filed with a municipality in that county,
16 when such proposed plat lies partially or totally within the
17 extraterritorial subdivision jurisdiction being exercised by that
18 municipality in such county. The commission shall be given four
19 weeks to officially comment on the appropriateness of the design
20 and improvements proposed in the plat. The review period for the
21 commission shall run concurrently with subdivision review
22 activities of the municipality after the commission receives all
23 available material for a proposed subdivision plat.

24 Sec. 4. Section 17-1001, Reissue Revised Statutes of
25 Nebraska, is amended to read:

26 17-1001. ~~Cities~~ Except as provided in section 1 of this
27 act, any city of the second class and villages or village may apply

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1 by ordinance any existing or future zoning ordinances, property use
2 regulation ordinances, building ordinances, electrical ordinances,
3 and plumbing ordinances, to an area within one mile of the
4 corporate limits of such municipalities, with the same force and
5 effect as if such area were within their corporate limits. No such
6 ordinance shall be extended or applied so as to prohibit, prevent,
7 or interfere with the conduct of existing farming, livestock
8 operations, businesses, or industry. For purposes of sections
9 70-1001 to 70-1020, the zoning area of a city of the second class
10 or village shall be one-half mile from the corporate limits of such
11 municipalities. The fact that the zoning area or part thereof is
12 located in a different county or counties than some or all portions
13 of the municipality shall not be construed as affecting the
14 necessity of obtaining the approval of the city council or board of
15 trustees of such municipality or its agent designated pursuant to
16 section 19-916.

17 Sec. 5. Section 17-1002, Revised Statutes Supplement,
18 2001, is amended to read:

19 17-1002. (1) ~~Any~~ Except as provided in section 1 of this
20 act, any city of the second class or village may designate by
21 ordinance the portion of the territory located within one mile of
22 the corporate limits of such city or village and outside of any
23 other organized city or village within which the designating city
24 or village will exercise the powers and duties granted by this
25 section and section 17-1003 or section 19-2402.

26 (2) No owner of any real property located within the area
27 designated by a city or village pursuant to subsection (1) of this

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1 section may subdivide, plat, or lay out such real property in
2 building lots, streets, or other portions of the same intended to
3 be dedicated for public use or for the use of the purchasers or
4 owners of lots fronting thereon or adjacent thereto without first
5 having obtained the approval of the city council or board of
6 trustees of such municipality or its agent designated pursuant to
7 section 19-916. The fact that such real property is located in a
8 different county or counties than some or all portions of the
9 municipality shall not be construed as affecting the necessity of
10 obtaining the approval of the city council or board of trustees of
11 such municipality or its designated agent.

12 (3) No plat of such real property shall be recorded or
13 have any force or effect unless approved by the city council or
14 board of trustees of such municipality or its designated agent.

15 (4) In counties that have adopted a comprehensive
16 development plan which meets the requirements of section 23-114.02
17 and are enforcing subdivision regulations, the county planning
18 commission shall be provided with all available materials on any
19 proposed subdivision plat, contemplating public streets or
20 improvements, which is filed with a municipality in that county,
21 when such proposed plat lies partially or totally within the
22 extraterritorial subdivision jurisdiction being exercised by that
23 municipality in such county. The commission shall be given four
24 weeks to officially comment on the appropriateness of the design
25 and improvements proposed in the plat. The review period for the
26 commission shall run concurrently with subdivision review
27 activities of the municipality after the commission receives all

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1 available material for a proposed subdivision plat.

2 Sec. 6. Section 23-114, Revised Statutes Supplement,
3 2000, is amended to read:

4 23-114. (1) The county board shall have power: (a) To
5 provide for temporary zoning as provided in sections 23-115 to
6 23-115.02; (b) to create a planning commission with the powers and
7 duties set forth in sections 23-114 to 23-114.05, 23-168.01 to
8 23-168.04, 23-172 to 23-174, 23-174.02, 23-373, and 23-376; (c) to
9 make, adopt, amend, extend, and implement a county comprehensive
10 development plan; ~~and~~ (d) to adopt a zoning resolution, which shall
11 have the force and effect of law; and (e) to cede and transfer
12 jurisdiction pursuant to section 1 of this act over land otherwise
13 subject to the authority of the county board pursuant to this
14 section.

15 (2) The zoning resolution may regulate and restrict: (a)
16 The location, height, bulk, number of stories, and size of
17 buildings and other structures, including tents, cabins, house
18 trailers, and automobile trailers; (b) the percentage of lot areas
19 which may be occupied; (c) building setback lines; (d) sizes of
20 yards, courts, and other open spaces; (e) the density of
21 population; (f) the uses of buildings; and (g) the uses of land for
22 agriculture, forestry, recreation, residence, industry, and trade,
23 after considering factors relating to soil conservation, water
24 supply conservation, surface water drainage and removal, or other
25 uses in the unincorporated area of the county. If a zoning
26 resolution or regulation affects the Niobrara scenic river corridor
27 as defined in section 72-2006, the Niobrara Council shall act on

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1 the measure as provided in section 72-2010.

2 (3) (a) The county board shall not adopt or enforce any
3 zoning resolution or regulation which prohibits the use of land for
4 a proposed residential structure for the sole reason that the
5 proposed structure is a manufactured home if such manufactured home
6 bears an appropriate seal which indicates that it was constructed
7 in accordance with the standards of the Uniform Standard Code for
8 Manufactured Homes and Recreational Vehicles, the Nebraska Uniform
9 Standards for Modular Housing Units Act, or the United States
10 Department of Housing and Urban Development. The county board may
11 require that a manufactured home be located and installed according
12 to the same standards for foundation system, permanent utility
13 connections, setback, and minimum square footage which would apply
14 to a site-built, single-family dwelling on the same lot. The
15 county board may also require that manufactured homes meet the
16 following standards:

17 (i) The home shall have no less than nine hundred square
18 feet of floor area;

19 (ii) The home shall have no less than an eighteen-foot
20 exterior width;

21 (iii) The roof shall be pitched with a minimum vertical
22 rise of two and one-half inches for each twelve inches of
23 horizontal run;

24 (iv) The exterior material shall be of a color, material,
25 and scale comparable with those existing in residential site-built,
26 single-family construction;

27 (v) The home shall have a nonreflective roof material

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1 which is or simulates asphalt or wood shingles, tile, or rock; and
2 (vi) The home shall have wheels, axles, transporting
3 lights, and removable towing apparatus removed.
4 (b) The county board may not require additional standards
5 unless such standards are uniformly applied to all single-family
6 dwellings in the zoning district.
7 (c) Nothing in this subsection shall be deemed to
8 supersede any valid restrictive covenants of record.
9 (4) For purposes of this section, manufactured home shall
10 mean (a) a factory-built structure which is to be used as a place
11 for human habitation, which is not constructed or equipped with a
12 permanent hitch or other device allowing it to be moved other than
13 to a permanent site, which does not have permanently attached to
14 its body or frame any wheels or axles, and which bears a label
15 certifying that it was built in compliance with National
16 Manufactured Home Construction and Safety Standards, 24 C.F.R. 3280
17 et seq., promulgated by the United States Department of Housing and
18 Urban Development, or (b) a modular housing unit as defined in
19 section 71-1557 bearing a seal in accordance with the Nebraska
20 Uniform Standards for Modular Housing Units Act.
21 (5) Special districts or zones may be established in
22 those areas subject to seasonal or periodic flooding, and such
23 regulations may be applied as will minimize danger to life and
24 property.
25 (6) The powers conferred by this section shall not be
26 exercised within the limits of any incorporated city or village nor
27 within the area over which a city or village has been granted or

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1 ceded zoning jurisdiction and is exercising such jurisdiction. At
2 such time as a city or village exercises control over an
3 unincorporated area by the adoption or amendment of a zoning
4 ordinance, the ordinance or amendment shall supersede any
5 resolution or regulation of the county.

6 Sec. 7. Original sections 16-901, 16-902, and 17-1001,
7 Reissue Revised Statutes of Nebraska, section 23-114, Revised
8 Statutes Supplement, 2000, and section 17-1002, Revised Statutes
9 Supplement, 2001, are repealed.".